

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TRAVIS CHISHOLM,

Defendant.

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8:11CR401

ORDER

This matter came before the court December 28, 2011 on defendant's Motion to Reconsider the Detention Order [25]. The motion is denied.

The proposed placement of the defendant in a residential treatment program fails to adequately address the court's concerns contained in the December 21, 2011 Detention Order [21]. The proposed placement does not significantly address the defendant's prior criminal history, or his noncompliance with previous court orders, and would not, given his prior record, result in an adequate level of supervision. In reaching this conclusion, I specifically considered the defendant's prior record which includes two prior felony drug convictions, (2004 - 2007). Because the evidence presented fails to rebut the presumption of detention, 18 U.S.C. § 3142(e), I find defendant should remain detained.

IT IS ORDERED:

1. Defendant's motion to Reconsider the Detention Order [25] is denied.

Dated this 29th day of December, 2011.

BY THE COURT:

s/ F.A. Gossett III
United States Magistrate Judge